

ROHM AND HAAS COMPANY
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

7/15
3:30

ROBERT A. LONERGAN
VICE PRESIDENT AND
GENERAL COUNSEL

TELEPHONE: 215-592-2911
FACSIMILE: 215-592-3221

Post-it® Fax Note	7671	Date	1/5/04	# of pages	3
To	TOM BROSMAN		From	J SACC0	
Co./Dept.	NOAA		Co.	HDEP	
Phone #			Phone #	605 292 2938	
Fax #	301/713-4387		Fax #		

Via Federal Express

Honorable Bradley M. Campbell
Commissioner
New Jersey Department of
Environmental Protection
401 East State Street
7th Floor, East Wing
P.O. Box 402
Trenton, New Jersey 08625

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"Deb to Set"

Evan to attend
aoso

Dear Brad:

I appreciated the opportunity to meet with you and your colleagues on July 11th concerning the Berry's Creek watershed. During that meeting, you asked if Rohm and Haas' subsidiary, Morton International, would like to propose a path forward on the rehabilitation of the watershed. I am pleased to respond.

During our meeting, we reviewed how, from the nineteenth century on, various current and former businesses, individuals, and governmental entities have contaminated Berry's Creek and nearby wetlands with a variety of substances. Yet, notwithstanding a long history of environmental abuses, Berry's Creek and other meadowlands still offer open space, wildlife habitat, and diverse recreational opportunities to a large urban population. State and local units of government and non-governmental organizations in New Jersey are anxious to see these attributes enhanced, including enhancement through urban and "brownfields" redevelopment, applying principles of smart growth.

We believe the State of New Jersey (and specifically the Department of Environmental Protection) would create a lasting legacy by taking the lead in bringing about a revitalization of the Berry's Creek watershed. We also believe that a creative, consensus-based approach for the Berry's Creek watershed would provide a better result for the interested stakeholders than a traditional regulatory response. Such a non-confrontational response would be more likely to produce rapid, positive results for the environment and for the people who live and work adjacent to the watershed.

Based on the foregoing, we are prepared to initiate discussions with you and your colleagues toward concluding an agreement along the following lines:

1. Morton would pay the State of New Jersey a seven figure sum upon designation of the State as the lead agency.

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2. The State might use these funds for any purposes it wishes toward the rehabilitation and enjoyment of Berry's Creek, provided such use is consistent with this agreement and applicable law. Use of the funds might, for example, include one or more of the following:
 - a. Development of a watershed-wide multiple-use plan covering the rehabilitation and enjoyment of the Berry's Creek watershed, including remediation, recreation, wildlife habitat, open space, and brownfields redevelopment;
 - b. Study, remediation, and restoration of the Berry's Creek watershed;
 - c. Creation of facilities to enhance the community's use of and access to natural resources in the Berry's Creek watershed; and
 - d. Identification of the parties who may currently discharge or who formerly discharged hazardous substances into Berry's Creek or onto surrounding properties.

We believe that the highest and best use of these funds at the outset would be preparation of the first item on this list, i.e., a multi-purpose watershed use plan. But, again, the use of these funds would be up to the State.

3. Should the governmental parties to this agreement later find it necessary to rely upon State or federal waste remediation laws to address the watershed, they would agree to proceed first against the many potentially responsible parties in Berry's Creek other than Morton. Morton would not seek a release from the potential liability it may have for any additional portion of the presently unknown costs of remediation in Berry's Creek. Rather, in view of its role in making funds available now to accelerate action on Berry's Creek, Morton would need agreement that other potentially responsible parties be pursued first before further funds are sought from Morton.
4. Although the United States would not necessarily need to be a full signatory to an agreement between Morton and the State, the United States would have to agree to the State's lead and also to proceed first against other parties before taking action against Morton should that later become necessary.
5. The parties would have to negotiate other appropriate provisions of an agreement, including some form of contribution protection for Morton.

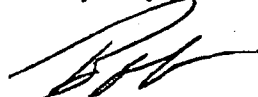
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We believe that our funding would assist New Jersey in promptly pursuing options that might otherwise not be available in addressing the Berry's Creek watershed in the fashion appropriate to its unique history, natural resources, and ongoing efforts to effectuate its rebirth.

We look forward to an opportunity to meet with you and your colleagues to discuss this proposal.

Very truly yours,



Robert A. Lonergan

RAL/kmm